

# Exhibit 4

Nock's December 13, 2023 Email and  
Attached Email Headers

**Subject:** Re: Nock v. Spring Energy  
**From:** Ethan Preston <ep@eplaw.us>  
**Date:** 12/13/23, 12:42 PM  
**To:** "Daniel R. LeCours" <dlecours@HarrisBeach.com>, "Jeremy R. Wilson" <jeremy@wilsonlawtx.com>  
**CC:** "Elliot A. Hallak" <ehallak@HarrisBeach.com>

Dan,

On December 4, you provided a "detailed log and export summary of email communications between Defendants and Endurance." In your December 6 email to me, you represented that the log reflects a "search [] performed on Defendants' entire email system" and "includes all emails with Brian Ream during the class period."

Reviewing Defendants' log, there are emails involving custodians who are not included in the list of custodians Defendants plan to search (Export Summary 11.30.2023-0948AM.csv), including Patrice Lordi (see, e.g., rows 41, 49, 50 and 52 in Results.csv). Even assessing Defendants' search and production on their own terms, Defendants' list of custodians is incomplete.

Moreover, we received Google's production on our November 9 subpoena, which include email headers for Mr. Ream's [sales@endurancesales.net](mailto:sales@endurancesales.net) email address. (You should have a link to Google's production by now. Please let me know if you do not.) The Google production indicates there are a number of emails between Endurance and Defendants sent after Defendants' self-imposed November 30, 2021 cutoff. I have attached a non-exhaustive set of headers for such emails. Either your December 6 representation was inaccurate, or Defendants have a serious spoliation problem and will need to search their archives. Defendants need to investigate and determine which of these alternatives is correct and provide a thorough explanation, but either way Defendants' plan for collecting and searching discovery is fatally flawed.

We maintain our position that Defendants can and must collect and search their entire record systems—without the artificial limitations they are demanding. **Despite Nock's invitation to do so, Defendants offer no evidence whatsoever that Endurance was the only vendor who disguised telemarketing calls as D2D activity.** On this record, simply asserting over and over that Nock's "claim in this case or the appropriate scope of discovery [] relates solely to Endurance" is not sufficient. Nock does not have to take Defendants' word for it: that is what discovery is for.

Further, Defendants appear to claim that the Microsoft 365 Discovery does not have an OR operator (which thus requires Defendants to search each combination of search terms individually) and cannot process lists of keyword searches. This is not our understanding, and is not consistent with the attached declaration. There is no evidence that performing Nock's

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— Attachments: —

GoogleProd 46723553.pdf	147 KB
Google Headers.zip	26.8 KB
search terms v2.xlsx	5.2 KB
Microsoft Decl.pdf	1.2 MB

**From:** sales@endurancesales.net

**Date:** 12/2/21, 5:26 PM

**To:** GregoryHasiak@rrhenergy.us

**From:** GregoryHasiak@rrhenergy.us

**Date:** 12/2/21, 6:17 PM

**To:** sales@endurancesales.net

**From:** GregoryHasiak@rrhenergy.us

**Date:** 12/3/21, 10:24 AM

**To:** sales@endurancesales.net

**From:** GregoryHasiak@rrhenergy.us

**Date:** 12/3/21, 10:23 AM

**To:** sales@endurancesales.net

**From:** sales@endurancesales.net

**Date:** 12/3/21, 10:18 AM

**To:** GregoryHasiak@rrhenergy.us



**From:** sales@endurancesales.net

**Date:** 1/23/23, 3:32 PM

**To:** GregoryHasiak@rrhenergy.us

**From:** GregoryHasiak@rrhenergy.us

**Date:** 1/23/23, 3:43 PM

**To:** sales@endurancesales.net

**From:** sales@endurancesales.net

**Date:** 1/23/23, 3:53 PM

**To:** GregoryHasiak@rrhenergy.us

**From:** sales@endurancesales.net

**Date:** 1/23/23, 8:34 PM

**To:** GregoryHasiak@rrhenergy.us

**From:** sales@endurancesales.net  
**Date:** 10/12/23, 7:43 PM  
**To:** GregoryHasiak@rrhenergy.us